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D. Laksen Sirimanne

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EXAMINER

WEATHERBY, ELLSWORTH

ART UNIT

PAPER NUMBER

3768

MAIL DATE

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 09/869,282	Applicant(s) SIRIMANNE ET AL.	
	Examiner ELLSWORTH WEATHERBY	Art Unit 3768	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 March 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 84-118, 120-125, 127-129, 172-197, 232, 233, 235 and 236 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 84-118, 120-125, 127-129, 172-197, 232, 233, 235 and 236 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

1. Applicant's election without traverse of Claims 84-118, 120-125, 127-129, 172-197, 232, 233, 235 and 236 in the reply filed on 04/30/2009 is acknowledged.

Claim Rejections - 35 USC § 112

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claim 102 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. There is not sufficient written description of a U-shaped distal portion of the elongate member.

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 94, 103-108, 172 and 233 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Regarding claims 94 and 233,

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Applicant claims "The delivery device of claim 84 for use with a medical instrument having a cannula and a side window" and "conforms to follow the contours of a non-circular probe when said outer sheath is place over the probe". However, a medical instrument having a cannula and a side window and a non-circular probe are not positively set forth. Thus, the claims are narrative in form and their cited limitations are regarded as functional limitations, which are not given patentable weight. Further regarding claim 94, there is not antecedent basis for the limitation "said distal end portion". Regarding claims 103-108, there is not antecedent basis for the limitations, "said expander" and "said sleeve", respectively. Regarding claim 172, there is not antecedent basis for the limitation, "the probe of a medical instrument".

Claim Rejections - 35 USC § 101

5. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claim 107 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Applicant's claims are directed to a delivery device.

However, claim 106 includes the limitation "...configured to migrate to a lymph node".

Here, it appears that the claims require a lymph node. Thus, applicant is claiming the lymph node, which is non-statutory subject matter.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 84-87, 90, 123, 127 and 236 are rejected under 35 U.S.C. 102(e) as being anticipated by Foerster et al. (Pub. No. 2001/0034528).

3. Foerster et al. (hereinafter Foerster) teaches a method and delivery device for delivering a marking device or probe to a target site, said delivery device comprising: an elongate member having a distal portion and a proximal portion, said distal portion of said elongate member configured to seat the marking device and advance with said distal portion to the target site (0002; 0047; 0054); and an ejector (ref. 98, 98c-d) coupled to said elongate member, said ejector configured to disengage a preloaded, expandable and resilient marking device from said distal portion (0018-0020; 0059). Foerster also, teaches a circular outer sheath having an open proximal end (ref. 54, 54c-f), an open distal end, and a lumen therethrough, wherein said outer sheath lumen is sized to fit over at least a portion of the probe (Figs. 1-8); wherein said elongate member comprises a flexible lumen extending through said distal and proximal portions of said elongate member, said elongate member being sized for insertion through said outer sheath lumen (Fig. 4-8); and said ejector comprises a plunger slidable within said

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lumen of said elongate member (ref. 98, 98c-d). Foerster also teaches that the outer sheath further comprises a side port located between the open proximal end and the open distal end and sized for allowing the elongate member to enter through the side port to access the outer sheath lumen, where a flexible plunger enters (0058-0059; Figs. 4, 12). Foerster also teaches a guide adapted for locking the outer sheath in place with respect to a desired marking site of a patient (0006; 0002). Fulton also teaches the use of a plurality of marking devices having different sizes or shapes (refs. 12a-i).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 88 rejected under 35 U.S.C. 103(a) as being unpatentable over Foerster et al. (Pub. No. 2001/0034528) in view of Truckai et al. (USPN 6,813,520).

6. The delivery device of Foerster teaches all the limitations of the claimed invention except for expressly teaching a safety lock having a first position that prevents said plunger from moving and a second position that allows movement of said plunger.

7. In the same field of endeavor, Truckai et al. (hereinafter Truckai) teaches a locking mechanism provided on a elongate biopsy tool that may be provided to hold the

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shaft in the fully withdrawn condition to prevent inadvertent closure of the spring members during the procedure (col. 8, ll. 28-32).

8. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Foerster et al. in view of the locking mechanism of Truckai. The motivation to modify Foerster et al. in view of Truckai would have been to provide controllable insertion using a simple, repeatable device.

9. Claim 89 rejected under 35 U.S.C. 103(a) as being unpatentable over Foerster et al. (Pub. No. 2001/0034528) in view of Burbank et al. (USPN 6,716,179).

10. The delivery device of Foerster teaches all the limitations of the claimed invention except for expressly teaching a stop that allows said elongate member to travel only a predetermined distance through said outer sheath.

11. In a related field of endeavor, Burbank et al. (hereinafter Burbank) teaches a biopsy device (abstract). Burbank goes on teaching a stop that allows said elongate member to travel only a predetermined distance through said outer sheath (Fig. 9: Here 105 is limited to a range delineated by 115).

12. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the delivery device of Foerster in view of the stop of Burbank. The motivation to modify Foerster in view of Burbank would have been to repeatably position an extension to a predetermined position.

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13. Claims 91, 172-180, 182 and 235 are rejected under 35 U.S.C. 103(a) as being unpatentable over Foerster et al. (Pub. No. 2001/0034528) in view of Fulton et al. (Pub. No.: 2001/0049481).

14. The delivery device of Foerster teaches all the limitations of the claimed invention except for expressly teaching that the guide attaches to a stereotactic table on which the patient lies. Foerster also does not expressly teach inserting a probe into an outer sheath, accessing the location to be marked and retracting the probe, leaving the outer sheath in communication with the location to be marked.

15. In a related field of endeavor, Fulton et al. (hereinafter Fulton) teaches a biopsy localization method and device (abstract). Fulton goes on, teaching the use of a guide that attaches to a stereotactic table on which the patient lies (0023; e.g. Fisher, Lorad stereotactic tables). Fulton also teaches inserting a biopsy probe into an outer sheath, accessing the location to be marked and retracting the biopsy probe having a tissue sample, leaving the outer sheath in communication with the location to be marked (0023).

16. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the delivery device of Foerster in view of the stereotactic table and probe of Fulton. The motivation to modify Foerster in view of Fulton would have been to provide precise and accurate stereotactic positioning using known means.

17. Claim 92 is rejected under 35 U.S.C. 103(a) as being unpatentable over Foerster et al. (Pub. No. 2001/0034528) in view of Pinchuk et al. (USPN 6,254,633).

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18. The delivery device of Foerster teaches all the limitations of the claimed invention except for expressly teaching that at least a portion of the outer sheath is radiopaque or echogenic.

19. In the same field of endeavor, Pinchuk et al. (hereinafter Pinchuk) teaches a medical delivery device (abstract). Pinchuk goes on, teaching that at least a portion of the outer sheath is radiopaque or echogenic (col. 2, ll. 1-24).

20. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the delivery device of Foerster in view of the marker of Pinchuk. The motivation to modify Foerster in view of Pinchuk would have been to track and monitor the positioning of the device, as taught by Pinchuk.

21. Claim 93 is rejected under 35 U.S.C. 103(a) as being unpatentable over Foerster et al. (Pub. No. 2001/0034528) in view of Cragg et al. (USPN 6,162,192).

22. The delivery device of Foerster teaches all the limitations of the claimed invention except for expressly teaching that the outer sheath lumen has a diameter of about 2 to 5 mm.

23. In a related field of endeavor, Cragg et al. (hereinafter Cragg) teaches elongate probe with a plunger and an introducer (abstract). Cragg goes on, teaching that the introducer has a diameter of about 2 to 5 mm (col. 10, ll. 9-38).

24. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the delivery device of Foerster in view of the dimensions of Cragg.

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The motivation to modify Foerster in view of Cragg would have been to provide optimal access to the target site, as taught by Cragg.

25. Claims 94-95, 98-100, 111-113, 120-121, 124-125, 128-129, 183-184, 194 are rejected under 35 U.S.C. 103(a) as being unpatentable over Foerster et al. (Pub. No. 2001/0034528) in view of Voegele et al. (USPN 6,220,248).

26. Foerster teaches all the limitations of the claimed invention except for expressly teaching a cannula having a side window. Foerster also does not expressly teach that the ejector is adapted to eject the marking device through the cannula in a direction lateral to the flexible shaft portion. Foerster also does not expressly teach that the flexible shaft portion comprises a first material, and the distal end portion comprises a second material, and said first material is more flexible than said second material. Foerster also does not expressly teach that the ejector comprises an expandable sleeve. Foerster also does not expressly teach a retainer or seat that buckles forcing the marking device through the side window.

27. In a related field of endeavor, Voegele et al. (hereinafter Voegele) teaches a method for implanting a marker (abstract). Voegele goes on, that the device utilizes a medical instrument having a cannula and a side window, wherein an elongate member comprises a flexible shaft portion between said proximal and distal portions (abstract; col. 7, ll. 8-52); and an ejector is located within said distal end portion and has a first position fitted to carry a marking device through the cannula and a second position adapted to eject the marking device in a direction lateral to said flexible shaft portion

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(abstract; col. 7, ll. 8-52; Figs. 7-13). Voegele also teaches that the ejector comprises one or more hinges (col. 8, ll. 38-54; Figs. 14-16, 19-23). Voegele further teaches that the flexible shaft portion comprises a first material 44, and the distal end portion comprises a second material 39, and said first material is flexible and the said second material provides serves as a backstop (col. 7, ll. 17-25; col. 8, ll. 2-19). Voegele also teaches an expandable sleeve wherein the first position comprises a collapsed position and the second position comprises an expanded position and wherein the plunger further comprises an expander for expanding the sleeve (col. 8, l. 23- col. 9, l. 23; Figs. 14-16). Voegele also teaches a transient retainer that can not pass through the cannula (e.g. ref. 68; Fig. 14). Voegel further teaches that the retainer may comprise a tube (Fig. 20).

28. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the delivery device of Foerster in view of the lateral deployment of Voegele. The motivation to modify Foerster in view of Voegele would have been to utilize known marker deployment means to allow the marker to be securely deployed in areas already traversed by the device or to mark regions adjacent to the device.

29. Claim 96-97,102, 110, 122 are rejected under 35 U.S.C. 103(a) as being unpatentable over Foerster et al. (Pub. No. 2001/0034528) in view of Voegele et al. (USPN 6,220,248) as applied to claims 94 and 120 above, and further in view of Cragg et al. (USPN 6,162,192).

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30. The delivery device Foerster in view of Voegele teaches all the limitations of the claimed invention except for expressly teaching that the delivery device consists of one molded or machined piece of material. Foerster in view of Voegele also do not expressly teach that the elongate member distal portion is U-shaped. Foerster in view of Voegele also do not expressly teach that the distal end portion has a maximum cross sectional dimension of 1.5 to 4.5 mm.

31. In a related field of endeavor, Cragg et al. (hereinafter Cragg) teaches elongate probe with a plunger and an introducer (abstract). Cragg goes on, teaching that the delivery device consists of one molded or machined piece of material (col. 5, ll. 13-20). Here, the Examiner also cites *In re Fessmann*, 489 F.2d 742, 744, 180 USPQ 324, 326 (CCPA 1974) regarding the product-by-process limitations. Cragg also teaches that the elongate member distal portion is U-shaped (col. 8, ll. 33-48). Cragg goes on, teaching that the introducer has a diameter of about 2 to 5 mm (col. 10, ll. 9-38).

32. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the delivery device of Foerster in view of Voegele of the process of making single material device of Cragg. The motivation to modify Foerster in view of Voegele would have been to use known means for producing biopsy probes, including using a single material, as taught by Cragg.

33. Claims 101, 103-106, 109, 114-116, 196 are rejected under 35 U.S.C. 103(a) as being unpatentable over Foerster et al. (Pub. No. 2001/0034528) in view of Voegele et

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al. (USPN 6,220,248) as applied to claims 100 and 183 above, and further in view of Kaldany (US 6,659,996).

34. The delivery device of Foerster in view of Voegele teaches all the limitations of the claimed invention except for expressly teaching except for expressly teaching that the ejector comprises an expandable sleeve wherein said first position comprises a collapsed position of the sleeve and wherein the second position comprises an expanded position and wherein the plunger comprises an expander for expanding the sleeve. Foerster in view of Voegele also do not expressly teach that the shaft comprises a clip.

35. In a related field of endeavor, Kaldany teaches a delivery device for the delivery of biological agents or implants (abstract; col. 9, ll. 9-14). Kaldany further teaches that the delivery device that includes a fluid 107a located between a piston/plunger mechanism and a solid plastic or fabric sleeve 105, where advancement of the piston/plunger mechanism in a distal direction displaces a fluid to expand the sleeve 105 (col. 5, ll. 33-54; col. 6, ll. 28-45). Here, sleeve 105 exists in a collapsed position for insertion and an expanded position for delivery. Kaldany further teaches that the sleeve may or may not be sealed to prevent or allow a fluid flow into the cavity (col. 6, ll. 29-64). Kaldaney also teaches a clip or grip and pin for stabilizing the delivery device with respect to a medical instrument (col. 4, ll. 8-42; Fig. 2).

36. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the delivery device of Foerster in view of Voegele with the expandable sleeve of Kaldany. The motivation to modify Foerster in view of Voegele

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with Kaldany would have been to use known means for delivering a sleeve type marker delivery.

37. Claims 107-108 are rejected under 35 U.S.C. 103(a) as being unpatentable over Foerster et al. (Pub. No. 2001/0034528) in view of Voegele et al. (USPN 6,220,248) and Kaldany (US 6,659,966) as applied to claim 106 above, and further in view of Carroll et al. (USPN 6,484,050).

38. The delivery device of Foerster in view of Voegele and Kaldany teaches all the limitations of the claimed invention except for expressly teaching that the fluid is non-invasively detectable and configured to migrate to a lymph node.

39. In a related field of endeavor, Carroll et al. (hereinafter Carroll) teaches a probe for biopsy or retrieval (abstract). Carroll goes on, teaching the use of a fluid that is non-invasively detectable and configured to migrate to a lymph node (col. 4, ll. 23-49; col. 7, l. 49- col. 8, l. 18). Carroll further teaches utilizing ultrasound to detect the tagged lymph node (col. 8, ll. 8-32).

40. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the delivery device of Foerster in view of Voegele and Kaldany in view of the detectable fluid of Carroll. The motivation to modify Foerster in view of Voegele and Kaldany with Carroll would have been to use any fluid to improve the diagnostic utility of the device.

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41. Claims 117-118 are rejected under 35 U.S.C. 103(a) as being unpatentable over Foerster et al. (Pub. No. 2001/0034528) in view of Voegele et al. (USPN 6,220,248) as applied to claim 94 above, and further in view of Heaton et al. (USPN 5,879,357).

42. The delivery device of Foerster in view of Voegele and Kaldany teaches all the limitations of the claimed invention except for expressly teaching that the delivery device further comprises a proximal handle portion having a rotational position indicator.

43. In a related field of endeavor, Heaton et al. (hereinafter Heaton) teaches an apparatus for marking a tissue location (abstract). Heaton goes on, teaching a proximal handle portion having a tactile rotational position indicator (col. 6, ll. 11-22; col. 9, ll. 36-40). Heaton further teaches that the proximal handle portion further comprises a cutout for mating with a portion of the medical instrument (col. 6, ll. 11-22; Fig. 2).

44. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the delivery device of Foerster in view of Voegele with the proximal handle of Heaton. The motivation to modify Foerster in view of Voegele with Heaton would have been to use known means for delivering providing indications to surgeons regarding the status of a medical procedure.

45. Claim 181 is rejected under 35 U.S.C. 103(a) as being unpatentable over Foerster et al. (Pub. No. 2001/0034528) in view of Fulton et al. (Pub. No.: 2001/0049481) as applied to claim 172 above, and further in view of Truckai et al. (USPN 6,813,520).

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46. The delivery method of Foerster in view of Fulton teaches all the limitations of the claimed invention except for expressly teaching a safety lock having a first position that prevents said plunger from moving and a second position that allows movement of said plunger.

47. In the same field of endeavor, Truckai et al. (hereinafter Truckai) teaches a locking mechanism provided on a elongate biopsy tool that may be provided to hold the shaft in the fully withdrawn condition to prevent inadvertent closure of the spring members during the procedure (col. 8, ll. 28-32).

48. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the delivery method Foerster et al. in view of Fulton with the locking mechanism of Truckai. The motivation to modify Foerster et al. in view of Fulton with Truckai would have been to provide controllable insertion using a simple, repeatable device.

49. Claims 184-193 are rejected under 35 U.S.C. 103(a) as being unpatentable over Foerster et al. (Pub. No. 2001/0034528) in view of Voegele et al. (USPN 6,220,248) as applied to claim 183 above, and further in view of Fulton et al. (Pub. No.: 2001/0049481).

50. The delivery method of Foerster in view of Voegele teaches all the limitations of the claimed invention except for expressly teaching expanding the marking device. Foerster in view of Voegele also does not expressly teach that the fluid is echogenic.

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Foerster in view of Voegelé also do not expressly teach creating a cavity and ejecting the marking device atraumatically into the cavity.

51. In a related field of endeavor, Fulton teaches a method for marking biopsy sites using a probe (abstract). Fulton goes on, teaching the use of a filler element 34 that expands substantially to fill the volume when the device is positioned in contact with fluids (0008; 0023; 0028-0029). Here, the examiner states that various expanded volumes are obvious variations of the expandable filler of Fulton. Fulton also teaches that the fluid echogenic (0012). Fulton also teaches creating a cavity and injecting a marking device atraumatically into the cavity (0023).

52. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the delivery method of Foerster in view of Voegelé with the expanding marking device of Fulton. The motivation to modify Foerster in view of Voegelé with Fulton would have been to utilize well known expandable collagen plugs, as taught by Fulton.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ELLSWORTH WEATHERBY whose telephone number is (571) 272-2248. The examiner can normally be reached on M-F 8:30 a.m. - 5:00 p.m..

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Long Le can be reached on (571) 272-0823. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/EW/

/Long V Le/
Supervisory Patent Examiner, Art Unit 3768